



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 29, 2011

MR. TREVOR GRIFFEY  
[REDACTED]

Subject: FBI PROCEDURES FOR BLACKBALLING FILES  
FROM FOIA REQUESTS

FOIPA No. 1166784-000

Dear Mr. Griffey:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

**Section 552**

- (b)(1)
- (b)(2)
- (b)(3) \_\_\_\_\_  
\_\_\_\_\_
- (b)(4)
- (b)(5)
- (b)(6)

**Section 552a**

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

5 page(s) were reviewed and 5 page(s) are being released.

Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s).

Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

- See additional information which follows.

Sincerely yours,



David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

In response to your Freedom of Information/Privacy Act (FOIPA) request submitted to FBI Headquarters, enclosed is a processed copy of the "Procedures for Blackballing Files from FOIA Requests".



# Handling Responsive Records

Is the file a blackball file?



## Blackball Files

The following files will be listed and blackballed:

- 190 Main Files - unless specifically ask for
- 197 Main Files - unless specifically ask for
- (-0, -2, -5) Control Files - List with a serial and consult with a supervisor
- [Redacted] Files - is automatically listed

b7E

Searching Cheat Sheet and Searching Tips

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# Scoping Paper Files

- If file is not responsive you will Black Ball the file by:
  - Highlighting the file number, click Mark File NPI

b6  
b7C

The screenshot shows a software window titled "HighView FDPS - Scope Files". In the "Paper Files" section, two file numbers are listed: "PH-200-1234" and "PH-200-3456". To the right of these files is a vertical toolbar with several icons. Below the files is a section titled "Mark File NPI" which contains a checkbox. This checkbox is circled in red in the screenshot. At the bottom of the window, there are sections for "Section", "Pages", and "Scoped Out Pages", along with "Add" and "Delete" buttons.



## Other Blackball Files

The following files will be listed and blackballed:

- 190 Main Files - unless specifically ask for
- 197 Main Files - unless specifically ask for
- (-0, -2, -5) Control Files - List with a serial and consult with a supervisor
- [Redacted] File - is automatically listed
- File NOT responsive to the subject

b7E

Searching Cheat Sheet – Searching Tips

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# Blackballing Files

- If a file is not responsive,
  - Make appropriate notes in case
    - File 100-HQ-1254 Middle initial did not match
    - File 59-SE-86803 Time period did not match
    - File 124-DL-34098 Contains no IDENT information



**U.S. Department of Justice**

**Office of Information Policy**

**Telephone:** (202) 514-3642

**Washington, D.C. 20530**

**SEP 29 2011**

Mr. Trevor Griffey  
Post Office Box 2887  
Olympia, WA 98507-2887

**Re:** Appeal No. AP-2011-02797  
Request No. 1166784  
ADW:KRP

Dear Mr. Griffey:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records pertaining to "the FBI's 'standard operating procedure' (SOP) for excluding (or 'blackballing') files." I note that in your e-mail dated August 8, 2011, you limited your appeal to information withheld pursuant to Freedom of Information Act Exemption 7(E).

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI properly withheld certain information that is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(E). This provision concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Please be advised that this Office's decision was taken only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road,

College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 301-837-1996; toll free at 1-877-684-6448; or facsimile at 301-837-0348.

Sincerely,

*Caroline Smith Jr*

Janice Galli McLeod  
Associate Director